

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

Defendant previously waived his right to a detention and was remanded by the court into Marshals Service custody pending trial. (Doc. Nos. 17, 18). He is currently in Marshals Service custody at the Sherburne County Jail in Elk River, Minnesota.

On July 20, 2022, defendant filed a motion requesting that the court reconsider its detention order and release him to North Dakota Adult & Teen Challenge (“Teen Challenge”) in Mandan, North Dakota, as he has been admitted into its inpatient treatment program. (Doc. No. 29).

On July 22, 2022, the court issued an order directing defendant to supplement his motion with information regarding his proposed travel arrangements from the Sherburne County Jail to Teen Challenge. (Doc. No. 30). That same day defendant filed a supplement as directed. (Doc. No. 31). Therein he advised that he has family that can transport him to Teen Challenge provided that they receive at least 24 hours advance notice of his release. Alternatively, he advises that, in communications with defense counsel, the United States Marshals Office has indicated that it will transport him to Teen Challenge if so directed by the court.

There being no objection from the United States and satisfied with the additional information provided by defendant, the court **GRANTS** defendant's motion for release (Doc. No. 29). The

court's preference is for family to transport defendant. Accordingly, defendant shall be released no earlier than 9:00 AM on August 28, 2022, to a family member or other individual approved by the Pretrial Services Office, who will immediately transport him to Teen Challenge. While on release defendant shall comply with the following conditions:

- (1) Defendant shall not violate federal, state, tribal, or local law while on release.
- (2) Defendant shall appear in court as required and surrender for any sentence imposed.
- (3) Defendant shall refrain from the use of alcohol; any use or possession of narcotic drug and other controlled substances defined in 21 U.S.C. § 802 or state statute, unless prescribed by a licensed medical practitioner, and any use of inhalants. Defendant shall submit to drug/alcohol screening at the direction of the Pretrial Services Officer to verify compliance. Failure or refusal to submit to testing or tampering with the collection progress or specimen may be considered the same as a positive test.
- (4) Defendant shall report to the Pretrial Services Officer at such times and in such manner as designated by the Officer.
- (5) Defendant shall not possess a firearm, destructive device, or other dangerous weapon.
- (6) Defendant shall not knowingly or intentionally have any direct or indirect contact with the alleged victim, except that counsel for defendant, or counsel's agent or authorized representative, may have such contact with such person(s) as is necessary in furtherance of defendant's legal defense.
- (7) Defendant shall reside at Teen Challenge, fully participate in its programming, and

comply with all of its rules and regulations. Upon his arrival at Teen Challenge, he shall contact Pretrial Services Officer Bobby Wiseman at (701) 530-2404.

- (8) Defendant shall sign all releases of information requested by the Pretrial Services Officer so that his progress and participation in treatment may be monitored.
- (9) Defendant shall submit his person, residence, vehicle, and/or possessions to a search conducted by a Pretrial Services Officer at the request of the Pretrial Services Officer. Failure to submit to a search may be grounds for revocation of pretrial release. Defendant shall notify any other residents that the premises may be subject to searches pursuant to this condition.
- (10) At least four days prior to the completion of his treatment program, defendant shall contact the Pretrial Services Office so that it may evaluate the appropriateness of any proposed living arrangements. Upon his discharge from the treatment program, defendant shall reside at an address approved by the Pretrial Services Office and not change this address without the Pretrial Services Office's permission. If the Pretrial Services Office determines that defendant is in need of a placement in a residential facility, defendant shall report to the designated facility as directed and comply with the facility's rules and regulations. If defendant does not have an address approved by the Pretrial Services Office and if a residential facility is not available, defendant shall report to the United States Marshal's office in Bismarck with the understanding that he shall be detained pending further order of the court. If defendant is terminated from the treatment program prior to completing it, he shall report to the United States Marshal's office in Bismarck with the understanding that she shall be

detained pending further order of the court.

IT IS SO ORDERED

Dated this 27th day of July, 2022.

/s/ Clare R. Hochhalter

Clare R. Hochhalter, Magistrate Judge
United States District Court